

DEWEY COUNTY STATE BANK,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 95-20-A
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	January 9, 1995

Appellant Dewey County State Bank sought review of a September 2, 1994, decision issued by the Anadarko Area Director, Bureau of Indian Affairs, withdrawing a guaranty of a loan to Joseph F. Dennison in the amount of \$67,000. The loan was for the purpose of purchasing and remodeling the Wall Eye Motel near Canton, Oklahoma. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

The Area Director's decision stated:

Recently while reviewing court house records in Blaine County, Oklahoma, a member of my staff discovered a Partnership Agreement between Richard Bowers and Joe F. Dennison which was signed February 1, 1993 to ratify the written and oral agreement entered into December 8, 1992. This agreement was filed in the Court of Blaine County July 20, 1993. \* \* \*

Code of Federal Regulations 25, Part 103.7 states “. . . if Indian ownership of an economic enterprise falls below 51% the borrower shall be in default and the guaranty shall cease. . .” A clear reading of the aforementioned Partnership Agreement shows ownership to be 50 percent at all times. [Omissions in original.]

The purpose of this letter is to notify you that in compliance with CFR 25, Part 103.7 the Guaranty for a loan in the amount of \* \* \* \$67,000 is withdrawn.

Excluding a paragraph showing service of the notice of appeal, the notice states:

Please take notice that the DEWEY COUNTY STATE BANK \* \* \* does by this document give notice of its appeal of the decision of Area Director \* \* \* to withdraw the guaranty for the loan of JOSEPH F. DENNISON pursuant to the withdrawal contained in the letter dated September 2, 1994, a copy of which is attached as Exhibit A.

This notice of appeal is in reference to the guaranty dated October 12, 1993, covering the "Wall-Eye Motel", Highway 58, Longdale, Oklahoma.

This Notice of Appeal is provided pursuant to 43 C.F.R. 4.310-4.340.

Although advised of its right to file a brief, appellant made no further filings.

The Board has frequently stated that an appellant bears the burden of proving the error in the decision being appealed. An appellant who fails to make any allegation of error in the Area Director's decision, let alone any argument in support of such an allegation, has not carried its burden of proof. See, e.g., Native Village of Eyak Tribal Council v. Acting Juneau Area Director, 26 IBIA 282 (1994). Appellant has failed to carry its burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the Anadarko Area Director's September 2, 1994, decision is affirmed.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge